

**Article 7**  
***DISCIPLINARY PROCEDURE AND PERSONNEL FILES***

- A. The Employer reserves the right to reprimand in writing, suspend, discharge or take other appropriate disciplinary/corrective action against a unit member for just cause.
- B. Allegations or other assertions of unacceptable unit member conduct, by supervisors or members of the public or other unit members, are not charges, but constitute a basis for investigation by the Employer.
- C. The Employer is solely responsible for conducting investigations into wrong-doing of unit members, and that such investigation is management's sole prerogative.
- D. A unit member is required to give prompt and accurate answers, to the extent possible, to any and all questions related to the issue under investigation put to him/her by the Employer.
- E. A unit member shall have the right to a Union representative only as provided in subsections 1 and 2 below. There shall be no other exceptions to this rule. It shall not be the policy of the Employer to take disciplinary action in the course of an investigation unless, in the Employer's judgment, an emergency suspension or removal from the premises is warranted.
  - 1. At any disciplinary conference as provided in this Article, the unit member shall be entitled to a designated Union representative.
  - 2. In any investigatory interview with a unit member who is the subject of an investigation, the unit member shall have the right to a designated Union representative.
- F. The parties recognize that supervisors periodically review work performance with unit members. Such discussions are not investigations and are the prerogative and responsibility of the Employer. A unit member shall not have the right to a designated Union representative during such performance review.
- G. Whenever a unit member is to be disciplined in accordance with the provisions of this Article, a disciplinary conference shall be scheduled, and the unit member shall be notified in writing of the claimed violation and the possibility that a disciplinary penalty may be imposed.
- H. At any disciplinary conference at which the unit member is entitled to Union representation, the representative must be notified and requested by the unit member. The representative shall be a Union staff employee or

designee. Scheduling of a disciplinary conference shall not be unnecessarily delayed due to the right of representation.

1. The unit member shall be informed of the nature of the charges against him/her and the reasons that disciplinary action is intended or contemplated. Except in accordance with Sections H.3. and I of this Article, a unit member shall be promptly scheduled for a disciplinary conference. The unit member shall have the right to make a written response to the results of the disciplinary conference which shall become a part of the unit member's personnel file.
  2. The unit member shall be given and shall sign for a copy of the written notice of charges and disciplinary action. The notice shall advise the unit member of the right of appeal. The unit member's signature indicates only that the unit member has received a copy and is aware of the contents of the notice, but shall not indicate the unit member's agreement with the contents. Notice shall be served personally on the unit member, or sent to the unit member by certified mail, return receipt requested. If the unit member has received and signed for a written letter of reprimand, no notice is required.
  3. In the case of a unit member dismissed for unauthorized absence, or who is physically unavailable (except for an approved leave of absence), a disciplinary conference need not be held; however, notice of disciplinary action shall be given as provided in paragraph H.2 above.
- I. Nothing in this Article shall prohibit the Employer from imposing an emergency disciplinary suspension and/or removal of a unit member from the premises for investigation or in cases where, in the judgment of the Employer, such action is warranted. As soon as practicable thereafter, investigation and the disciplinary conference procedures described herein shall be undertaken and completed. The Employer may suspend an employee for investigation. The suspension shall be superseded by disciplinary suspension, dismissal, or reinstatement within fourteen (14) calendar days. If the investigation is not completed at the end of fourteen (14) days, the suspension shall be extended with pay until the investigation and disciplinary conference procedures are completed. Should a subsequent disciplinary suspension result, the days of suspension for investigation may be included as part of the penalty.
  - J. A unit member may be immediately suspended for any conduct whether on or off the job which results in one or more of the following: a) An indictment by a grand jury, or b) Prosecution on any charge punishable by one year or more imprisonment, or c) Prosecution on any charge,

regardless of the punishment, that relates to theft, dishonesty or the performance of the unit member's official duties.

1. A unit member shall not be suspended upon issuance of a bench warrant for failure to obey an order of a court.
  2. A unit member who has been tried and convicted on the original or a reduced charge and whose conviction is not reversed, may be disciplined or dismissed from the classified service without the necessity of further charges being brought.
  3. The record from any trial or hearing may be introduced by the Employer in any grievance proceeding, including arbitration.
  4. A unit member whose indictment is quashed or dismissed, or who is acquitted following trial, shall be reinstated in good standing, and made whole if previously suspended in connection therewith, unless disciplinary charges, if not previously brought, are filed within three (3) work days of receipt of official notice at the Central Personnel Office of the results of the case, and appropriate action in accordance with this Agreement is taken against such unit member.
  5. Nothing provided herein shall prevent the Employer from disciplining a unit member for just cause at any time irrespective of criminal or civil actions taken against a unit member or irrespective of their outcome.
  6. Nothing herein shall prevent an employee from grieving the reasonableness of a suspension under this subsection, where the employee contends that the charge does not arise out of the job or is not related to the job.
- K. Dismissal shall be effective on the date of the notice. A unit member who is dismissed shall not accrue any further leave or benefits subsequent to the date of the notice.
- L. Where a decision is made to permit a unit member to resign in lieu of dismissal, the parties agree that the resignation and all matters related thereto shall not be subject to the grievance procedure.
- M. There shall be only one official personnel file maintained on each unit member. Under no circumstances will a unit member's medical file be contained in the official personnel file; however, records of personnel actions based upon medical information may be kept in the personnel file.
- N. A unit member shall be entitled to attach a written response to any written record of discipline or any written counseling record which is to be placed

in the permanent personnel file, provided such attachment is provided to the Appointing Authority Personnel Office within ten (10) days of the date of the written disciplinary/counseling record.

- O. Upon a unit member's written request, records of disciplinary actions issued subsequent to the execution of this Agreement shall be removed from the official personnel file twenty-four (24) months following the date on which the action was taken, provided that no new disciplinary action has occurred during such twenty-four (24) month period. Written reprimands and formal counseling memoranda/records shall similarly be removed twelve (12) months following the date of issuance provided no new written reprimands and/or counseling memoranda/records have been issued during such twelve (12) month period.
- P. Paragraph O above shall not apply to records pertaining to unit member violations of the provisions of the Civil Service Rules and Regulations.